IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 2431 of 2006 (O&M)
Date of Decision: 15.1.2007

Raj Pal and others ...Appellants

Versus

Krishan and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Ranjit Saini, Advocate, for the appellants.

HEMANT GUPTA, J.

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below granting the decree for specific performance of agreement of sale dated 20.5.1988.

Vide the said agreement, defendant No.1 agreed to sell his 1/6$^{th}$ share for a total sale consideration of Rs.23,000/- including mortgage amount of Rs.4400/- to the plaintiff out of which Rs.5600/- was received as earnest money. The sale deed was to be executed on 15.6.1984, but the time was extended upto 15.6.1986.

Both the Courts have recorded a concurrent finding of fact in respect of execution of the agreement of sale on the basis of testimony of PW2 Sadhu Ram Scribe, PW6 Lakhi Ram, an attesting witness and the plaintiff himself, who appeared as PW7. The Court also returned a finding that the plaintiff was ready and willing to perform his part of the contract.

I do not find any patent illegality or irregularity in

the findings recorded by the Courts below, which may give rise to any substantial question of law in the present appeal.

There is also delay of 1687 days in filing the appeal. The reasons given by the appellant to seek condonation of delay do not make out any sufficient grounds for condonation of delay.

Consequently, the application seeking condonation of delay as well as the appeal are dismissed.

15-01-2007 (HEMANT GUPTA)
ds JUDGE